

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE LEWIS,

Plaintiff,

v

Civil Case No.
Hon.

MICHAEL RUDZINSKI, VERSPEETEN
CARTAGE, LTD., and LANCER INSURANCE
COMPANY,

Defendants.

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NOTICE OF REMOVAL

TO: CLERK OR THE COURT

NOW COME Defendants MICHAEL RUDZINSKI and VERSPEETEN CARTAGE, LTD.,
who hereby respectfully submit this Notice of Removal for the above-captioned case, and as
grounds for removal states as follows:

1. Plaintiff filed an action against Defendants in the Circuit Court for the County
of Wayne, State of Michigan. A copy of the Complaint is attached as Exhibit A pursuant to
18 U.S.C. § 1446(b).

2. Defendant MICHAEL RUDZINSKI was served with a copy of the Complaint on or about March 14, 2019 and filed an Answer to the Complaint on or about April 18, 2019. (Exhibit B)

3. Defendant VERSPEETEN CARTAGE, LTD. was allegedly served with a copy of the Complaint on or about April 2, 2019.

4. This case is being removed within thirty (30) days of service upon Defendant VERSPEETEN CARTAGE, LTD. Therefore, this Notice of removal is timely under 28 U.S.C. § 1446(b).

5. Defendant LANCER INSURANCE COMPANY was served before Defendant VERSPEETEN CARTAGE, LTD. and filed an Answer on or about April 25, 2019 (Exhibit C).

6. The above-captioned matter is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one that may be removed to this Court by the petitioners, Defendants, herein, pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds or may exceed the sum or value of Seventy-Five Thousand and 00/00 (\$75,000.00) dollars, exclusive of costs, attorney fees, and statutory interest, according to the allegations of the injuries and damages in the Complaint, and is between citizens of different states.

7. Plaintiff is a resident and citizen of Wayne County, Michigan.

8. Defendant, VERSPEETEN CARTAGE, LTD., is a Canadian corporation and has its principal place of business in Ingersoll, Ontario, Canada and therefore is a citizen of Ingersoll, Ontario, Canada.

9. Defendant MICHAEL RUDZINSKI, is a resident and citizen of London, Ontario, Canada.

10. Defendant LANCER INSURANCE COMPANY is a foreign insurance company incorporated under the laws of the State of Ohio and therefore a citizen of Ohio.

11. Defendant LANCER INSURANCE COMPANY consents to and joins in this Notice of Removal. Pursuant to 28, U.S.C. § 1446(b)(2)(A), all served defendants who properly may be joined in the removal notice must join.

12. Defendant MICHAEL RUDZINSKI consents to and joins in this Notice of Removal. Pursuant to 28, U.S.C. § 1446(b)(2)(A), all served defendants who properly may be joined in the removal notice must join.

13. LANCER INSURANCE COMPANY's consent to removal is proper under 28 U.S.C § 1446(b)(2)(C), which states that, "If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal."

14. Upon information and belief, Plaintiff is seeking an amount of damages in excess of Seventy-Five Thousand and 00/00 (\$75,000.00) dollars.

15. Pursuant to 28 U.S.C. § 1446(d), a Notice to Adverse Party of Removal to Federal Court, attached hereto as Exhibit D, together with this Notice of Removal, will be served upon counsel for Plaintiff and Defendant LM General Insurance Company, and will be filed with the clerk of the Circuit Court of the County of Wayne.

WHEREFORE, Defendants MICHAEL RUDZINSKI and VERSPEETEN CARTAGE, LTD. give notice that this action is therefore removable to this Court pursuant to 23 U.S.C. § 1441 because it is within this Court's original "diversity" jurisdiction and no Defendant properly joined is a citizen of Michigan.

Respectfully Submitted,

By: /s/ Timothy S. Groustra
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DATED: May 2, 2019

PROOF OF SERVICE

On May 2, 2019, I served, via first class mail, a copy of the foregoing upon all counsel of record at their respective addresses. I declare under penalty of perjury that this statement is true to the best of my knowledge, information, and belief.

/s/ Holly R. Peseski

Holly R. Peseski